

Application No. 10/073,804
Amendment Dated: January 11, 2007
Reply to Office Action of: October 11, 2006

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1-3. These sheets, which include Figures 1-3, replace the original sheets including Figures 1-3.

Figure 2 has been amended to show the proper position of the sensor 15 in relationship to the lock 6. Figure 3 has been amended to include the reference numeral 35.

Replacement sheets and annotated sheets showing the changes mentioned above are included in the attached appendix.

REMARKS/ARGUMENTS

The changes to the specification have been made to correct a minor editorial inconsistency. These changes are readily apparent from the context of the description.

New drawing sheets are being submitted to overcome the various objections raised by the Examiner. Reference numeral 35 has been added to Figure 3. Thus, the Examiner's objection under 37 CFR §1.84(p)(5) is overcome. Additionally, the newly submitted drawings are of proper legibility and, accordingly, are in compliance with 37 CFR §1.121(d).

Regarding the Examiner's objection under 37 CFR §1.83(a), it is submitted that the drawings do show the features specified in the claims. Figure 1 shows the position of the sensor 15 in the absence of a lock; the first sensing position. Figure 2 shows the position of the sensor 15 in the presence of a lock 6; the second sensing position, and Figure 3 shows the sensor 15 and lock 6 in the third sensing position, wherein the band has been inserted into the lock. Thus the features: lock, first sensing position, second sensing position, and third sensing position, are clearly shown in the drawings. Claims 7 and 15-18 relating to the "fixing clips" have been canceled. It is submitted that each and every feature of the invention now specified in the claims is clearly shown in the drawings.

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Claims 1-6, 8-14, 19 and 20 are currently in the application. Reconsideration of the rejection of these claims is respectfully requested in view of the following remarks:

CLAIM REJECTIONS - 35 U.S.C. §112

Claims 7 and 15-18 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. In an effort to expedite the prosecution of this application, these claims have been canceled. Accordingly, this rejection no longer pertains.

CLAIM REJECTIONS - 35 U.S.C. §102

Claims 1, 3, 5, 6, 8, 10, 12, 14, 15, 17, 18 and 20 stand rejected under 35 U.S.C. §102(a) as being anticipated by Lesser et al Patent No. EP1013554A1. It is noted that U.S. Patent No. 6,513,555 is the U.S. equivalent of the cited European patent, and will be referred to during the course of discussion of the claim rejections. Reconsideration of this rejection is respectfully requested.

For a claim to be rejected as anticipated under 35 U.S.C. §102(a), each and every limitation of the claim must be clearly shown in the applied reference. It is respectfully submitted that the Lesser et al reference does not meet this requirement.

According to the Lesser et al patent, the device is moved into a predetermined position, and some type of sensor identifies the position by means

of a coding system. This signal is compared with a predetermined signal, and if both signals agree with one another, the feeding of the locks is initiated. If the above signals do not agree with one another, the lock and fastening means are not brought into position. Thus, it seems clear that in the Lesser et al patent, there is no sensor which senses the presence of a lock. Note that it is only after the proper position of the device is sensed that the lock is put into its proper position. Referring specifically to claim 1, the Lesser et al patent does not disclose a sensor that has a first sensing position in the absence of a lock and a second sensor position in the presence of a lock. Moreover, there is no sensor in the Lesser et al patent that has a plurality of positions.

Additionally, in the Lesser et al patent, there is no sensor which, in fact, engages or directly contacts the lock. The sensor in the Lesser et al patent is of the type that receives a signal from a coding device. Thus, any sensor in the Lesser et al patent does not have a part which senses the lock (claim 3), nor does it have a direction of sensing movement (claim 4). As for claim 5, the Lesser et al patent does not disclose any physical elements which may be regarded as a sensor that would engage a lock or a portion of the lock. Therefore, it cannot be said that Lesser et al patent discloses a sensor which is of a multi-step design.

Regarding claims 6, 12 and 14, as mentioned, the Lesser et al patent does not disclose any physical element which functions as a sensor in the manner claimed in the present application. Thus, it cannot be said that the lock

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shown in Lesser has a through passage for the sensor as set forth in these claims as there is no sensor to pass through.

Regarding claims 8 and 20, it is true that Lesser does disclose a blade 48. However, Lesser does not disclose using the blade 48 as a stop for one of the band ends as required by these claims.

Regarding claim 10, as Lesser does not disclose any physical sensor element as set forth in the present application, is not seen how Lesser can be said to disclose a sensor which has a direction sensing movement which coincides with the direction in which the lock is to be introduced into the lock mount.

It is submitted that the Lesser et al patent does not disclose any sensor of the type contemplated by the claims in the present application. The Lesser et al device discloses using some type of sensor to identify a predetermined position of the device by a means of a coding system. The received signal is compared with a predetermined signal. If the signals are in agreement, the feeding of the lock into the holding jaws is initiated. There is no sensor element that engages the lock to sense the presence of the lock or the presence of the band as set forth in the claims. It cannot be said that the Lesser et al publication discloses each and every element set forth in the claims, and accordingly, such claims are not thought to be anticipated by the Lesser et al patent.

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CLAIM REJECTIONS - 35 U.S.C. §103

Claims 2, 4, 7, 9, 11, 13, 16 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lesser in view of Bretti U.S. Patent No. 4,908,911. It is the Examiner's opinion that although Lesser does not expressly disclose a detent, Bretti teaches an arrangement for binding an object comprising a lock mount capable of receiving a lock with a lock having a detent. Even if it would be deemed obvious to provide the lock of Lesser with a detent as taught by Bretti, such combination would not meet the limitations set forth in the claims. As explained above, the Lesser et al patent does not disclose a sensor as set forth in these claims. Accordingly, merely providing the Lesser lock with a detent will not overcome this deficiency of the Lesser reference. There is no sensor in the Lesser device to interact with a detent.

The Examiner admits that the Bretti et al reference fails to disclose sensing a first, second and third positions. Thus, the Bretti et al reference cannot provide any teaching to overcome the deficiencies of the Lesser reference mentioned above. Therefore, the subject claims are thought to be patentable over the proposed combination of references.

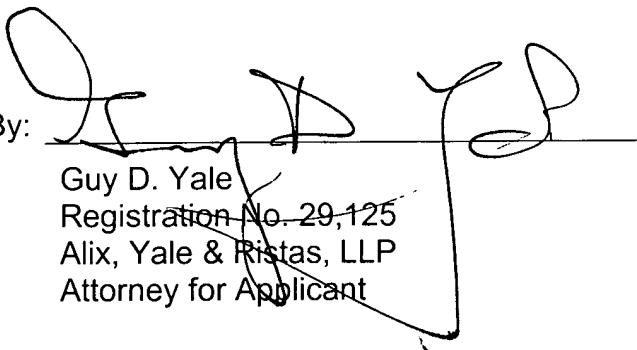
In view of the above amendments and remarks, it is respectfully submitted that the claims now set forth in this application patentably define over the art of record, taken alone or in any combination. Favorable consideration of the claims now in this case is respectfully solicited.

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Respectfully Submitted,

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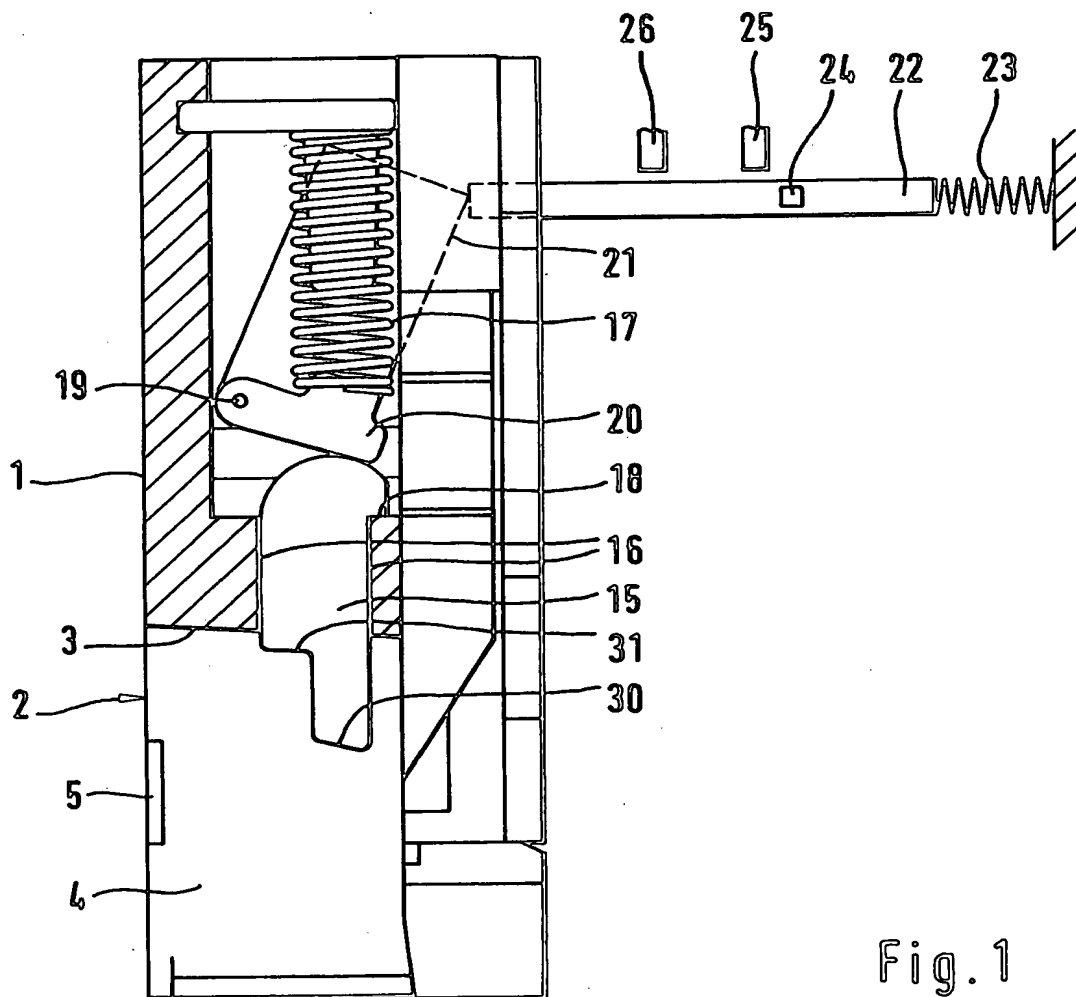
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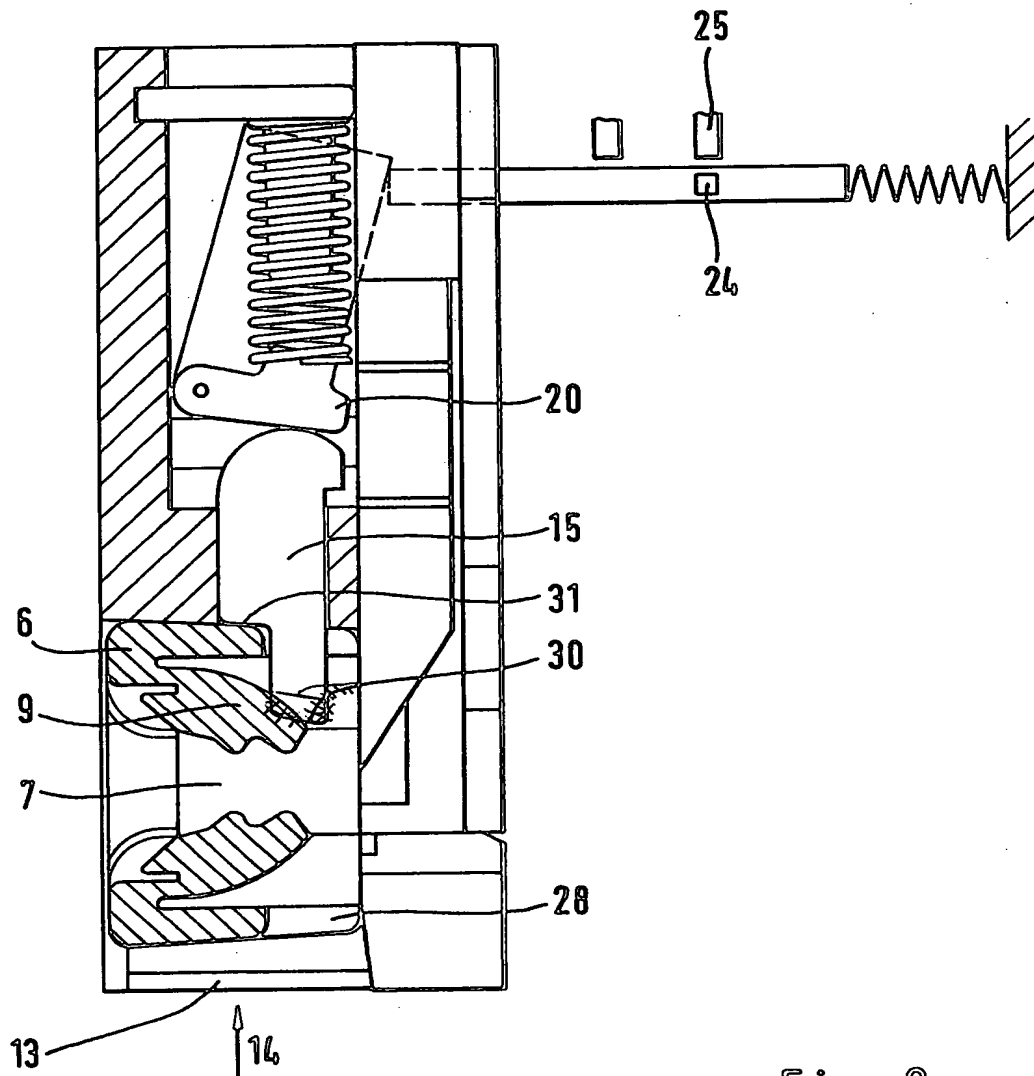


Fig. 2

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Fig. 3

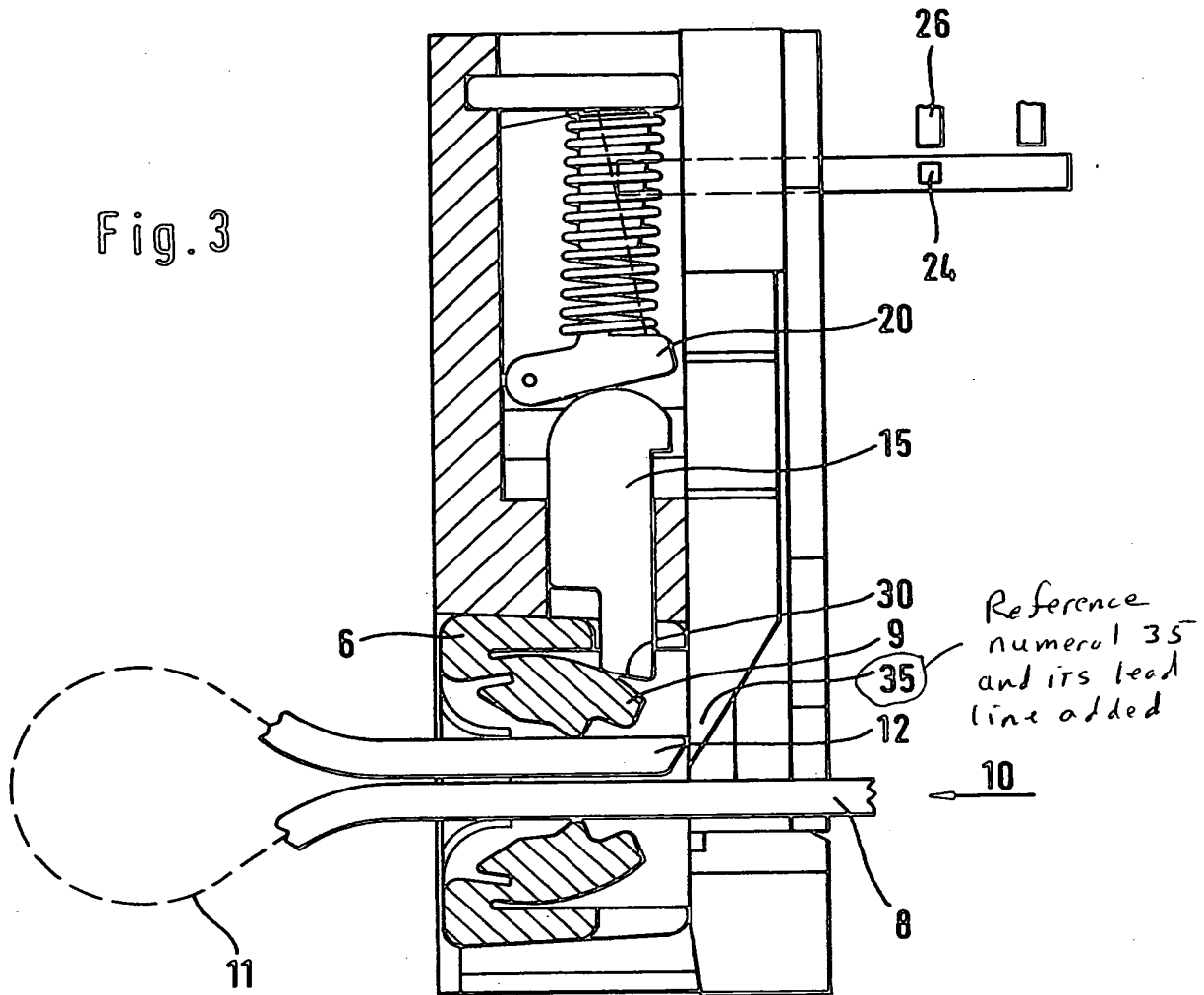


Fig. 4

